

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of
ARBITRATION OF DISPUTES
between

LAUNDRY, DRY CLEANING WORKERS AND
ALLIED INDUSTRIES HEALTH FUND, UNITE HERE! and
LAUNDRY, DRY CLEANING WORKERS AND
ALLIED INDUSTRIES RETIREMENT FUND, UNITE HERE!,
Petitioners,

and
LINENS OF EUROPE, INC.,
LINENS OF EUROPE NEW YORK, INC. and
S DURAN L, as a single employer,
Respondent.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DATE FILED: MAR 07 2008

DEFAULT JUDGMENT

07 Civ. 6970 (LTS)

The Laundry, Dry Cleaning Workers and Allied Industries Health Fund, UNITE HERE! and the Laundry, Dry Cleaning Workers and Allied Industries Retirement Fund, UNITE HERE! (hereinafter, the "Petitioners") having commenced the within proceeding on August 3, 2007 by filing a Petition to Confirm the Arbitration Award of Philip Ross, dated August 1, 2007 (hereinafter, the "Petition"), and Linens of Europe, Inc., Linens of Europe New York, Inc. and S Duran L, as a single employer (hereinafter, the "Respondent") having been duly served on August 23, 2007 with a copy of the Petition and copies of papers in support of the Petition by certified mail, return receipt requested, and proof of such service having been filed with the Court on August 24, 2007, and Respondent having failed to appear, answer or otherwise move with respect to the Petition, and in light of the fact that the Court is being asked to confirm a default arbitration award, and in accordance with the Second Circuit opinion in D.H. Blair & Co., Inc. - v. - Gottdiener, 462 F.3d 95 (2d Cir. 2006), this Court has examined the record upon which the underlying arbitration award was based, and finds that the record supplied to the arbitrator is a sufficient basis for the award; it is

NOW, THEREFORE, upon application of the Petitioners and upon reading the annexed Affidavit of Mark Schwartz, Esq. duly sworn the 19th day of November 2007 and the Certificate of J. Michael McMahon, Clerk of Court, United States District Court for the Southern District of New York, noting the default of the above-named Respondent for failure to appear, answer or otherwise move with respect to the Petition, it is hereby,

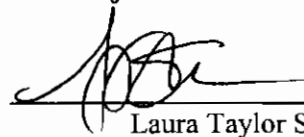
ORDERED, ADJUDGED AND DECREED, that the Arbitration Award of Philip Ross, dated June 29, 2007, is hereby confirmed in all respects; and it is further,

ORDERED, ADJUDGED AND DECREED, that Petitioners have Judgment against Respondent on the Award in the principal amount of \$35,638.68 together with interest from the

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date of the Award to the date hereof in the amount of ~~\$1,978.38~~ ^{4,387.83} and costs in the amount of \$350.00, for a total Judgment of ~~\$37,967.06~~ ^{\$40,376.51}.

Dated: March 6, 2008
New York, New York



Laura Taylor Swain
United States District Court Judge

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